

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER**

MABEL M. ASCONEGUY,
Complainant,

v.

CHARLES KRUPIN,
Respondent.

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8 U.S.C. § 1324b Proceeding

OCAHO Case No. 98B00033

Judge Robert L. Barton, Jr.

**ORDER DIRECTING PARTIES TO APPEAR
FOR A TELEPHONE PREHEARING CONFERENCE**

(February 26, 1998)

A telephone prehearing conference will commence in this case at 9 a.m. EST on Friday, March 13, 1998. The conference call will be initiated by my office and will be held simultaneously with the prehearing conference in United States v. Krupin, Case No. 98B00027. The conference is expected to last about one to one and a half hours. A court reporter will be present in my office to record the conference, and a transcript of the same will be prepared.

The complaint was filed with the Court on December 29, 1997, and it was received by Respondent on January 8, 1998. Under the Rules of Practice an answer to the complaint must be filed within thirty days of the service of the complaint. 28 C.F.R. § 68.9 (1994). At the present time Respondent has not filed any answer to the complaint and therefore is in default. I expect that an answer to the complaint will be filed before the date of the prehearing conference or I MAY ENTER JUDGMENT FOR COMPLAINANT AT THAT TIME.¹

Assuming that Respondent files an answer to the complaint before the conference, and that a default judgment is not entered, during the conference the claims in the Complaint and any defenses raised in the Answer will be addressed. Also, I will consider whether this case should be consolidated with United States v. Krupin pursuant to 28 C.F.R. § 16.

The parties also should be prepared during the conference to discuss a procedural schedule in this case.

¹ As per the Rules of Practice, "filed" means that the pleading must be received by the Judge. 28 C.F.R. § 68.8(b).

If a party or party's counsel fails to obey this order, fails to attend the conference, is substantially unprepared to participate in the conference, or fails to participate in good faith, upon motion by the opposing party or on the Judge's own initiative, sanctions may be imposed on the party and/or counsel, including possible dismissal of the complaint or request for hearing or the exclusion of the party's representative, as appropriate. See 28 C.F.R. §§ 68.1; 68.23(c); 68.28; 68.37 (1997).

ROBERT L. BARTON, JR.
ADMINISTRATIVE LAW JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of February, 1998, I have served the foregoing Order Directing Parties to Appear For A Telephone Prehearing Conference on the following persons at the addresses shown, by first class mail, unless otherwise noted:

Mabel Asconeguy
1037 Richford Terrace
Elizabeth, NJ 07202-2174
(Complainant)

Charles Krupin, Esq.
1212 Avenue of the Americas
Suite 800
New York, NY 10036
(Respondent)
(FAX and first class mail)

John D. Trasvina, Esq.
Special Counsel for Immigration-Related
Unfair Employment Practices
P.O. Box 27728
Washington, D.C. 20038-7728

Office of the Chief Administrative Hearing Officer
Skyline Tower Building
5107 Leesburg Pike, Suite 2519
Falls Church, VA 22041
(hand delivered)

Linda Hudecz
Legal Technician to Robert L. Barton, Jr.
Administrative Law Judge
Office of the Chief Administrative Hearing Officer
5107 Leesburg Pike, Suite 1905
Falls Church, VA 22041
Telephone No.: (703) 305-1739
FAX NO.: (703) 305-1515